

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In Re:)	
)	
BICC LIMITED PARTNERSHIP,)	Case No. 06-30101-DOT
Debtor)	Chapter 7
-----)	-----
CHARLES J. MCCALL,)	
)	
Plaintiff)	
v.)	Adv. Pro. No. 07-03090-DOT
)	
TELERENT LEASING CORPORATION et al.,)	
)	
Defendants)	
-----)	-----
)	
TELERENT LEASING CORPORATION and)	
)	
LECLAIR RYAN, a Professional Corporation,)	
)	
Counterclaim Plaintiffs)	
)	
v.)	
)	
CHARLES J. MCCALL,)	
)	
Counterclaim Defendant)	

JUDGMENT ORDER

This adversary proceeding originated in the Circuit Court of the County of Chesterfield, Virginia, on or about June 14, 2007, when Charles J. McCall ("McCall"), plaintiff, filed suit in this cause against defendants Telerent Leasing Corporation ("Telerent") and LeClair Ryan, a Professional Corporation ("LeClair Ryan"). The cause subsequently was removed to this Court where it since has been pending.

By memorandum opinion (docket # 36) and order (docket #37) entered March 21, 2008,

Order proposed by:
W. R. Baldwin, III (VSB #16988)
Marchant, Honey & Baldwin, LLP
5600 Grove Avenue
Richmond, VA 23226
(804) 285-3888 – Telephone
(804) 285-7779 – Facsimile
billbaldwin@comcast.net– email
Counsel for Telerent Leasing Corporation

the Court granted the motion of Telerent and LeClair Ryan to dismiss McCall's complaint on the finding, among other reasons, that by filing this lawsuit McCall had violated the automatic stay and the suit, therefore, was void.

By memorandum and order (docket #40) entered March 24, 2008, the Court denied McCall's request to set aside the default entered on the counterclaim filed herein by Telerent and LeClair Ryan and ruled that "[i]t remains for the court to entertain defendants' requests for damages, if the parties are unable to resolve the damages amicably."

The Court's finding that McCall violated the automatic stay as set out in the March 21, 2008 order granting the motions of Telerent and LeClair Ryan to dismiss McCall's complaint applies as well to the counterclaim, even apart from the default entered against McCall on the counterclaim.

By pre-trial order entered June 11, 2008, trial was set for November 13, 2008 on the issue of damages suffered by Telerent and LeClair Ryan and on that date trial was held.

The Court has reviewed and considered the exhibits of the parties, all of which were received in evidence without objection. The evidence shows, and the Court finds, that Telerent incurred reasonable legal fees and expenses of \$12,700.00 and LeClair Ryan incurred reasonable legal fees and expenses of \$8,693.13 directly resulting from McCall's violation of the automatic stay through the dates indicated on the statements received in evidence. At trial McCall did not contest the reasonableness or the amounts of fees and related expenses asserted by Telerent and LeClair Ryan.

The Court has considered McCall's statement of explanation for his conduct as presented at trial, but for the reasons stated on the record in open court has determined those reasons do not constitute a defense to the damages sought by Telerent and LeClair Ryan.

At trial the Court invited counsel for the counterclaimants to submit supplementary fee itemizations for additional services not included in the exhibits before the Court at trial. The Court has considered those requests, which are attached hereto as Addenda A (Telerent) and B (LeClair Ryan). Telerent seeks an additional recovery of \$1,025.00 for services rendered and expenses incurred through the date of trial and LeClair Ryan an additional recovery of \$405.00. The Court finds these requested supplementary fees and any expenses to be reasonable.

Accordingly, finding it proper to do so, it is, therefore, ORDERED:

- Telerent Leasing Corporation recover judgment against Charles J. McCall in the sum of \$13,725.00, such sum including the supplemental fee itemization attached hereto,

- LeClair Ryan a Professional Corporation recover judgment against Charles J. McCall in the sum of \$9,098.13, such sum including the supplemental fee itemization attached hereto and

- Telerent Leasing Corporation and LeClair Ryan, a Professional Corporation

shall recover their costs.

The foregoing, together with the Court's other memoranda and orders referenced herein, shall constitute the findings of facts and conclusions of law required by Fed. R. Bankr. P. 52, incorporating Fed. R. Civ. P. 52.

Interest shall accrue on the foregoing judgment at the rate provided by 28 U.S.C. § 1961 as of the date of entry hereof.

There being no other matters before the Court, it is ORDERED that this adversary proceeding be closed.

Date: _____

Chief United States Bankruptcy Judge

Entered on Docket: _____

We ask for this:

/s/ W. R. Baldwin, III
W. R. Baldwin, III (VSB #16988)
Marchant, Honey & Baldwin, LLP
5600 Grove Avenue
Richmond, VA 23226
(804) 285-3888 – Telephone
(804) 285-7779 – Facsimile
billbaldwin@comcast.net– email

Counsel for Telerent Leasing Corporation

/s/ Robert S. Reverski, Jr.
(by W. R. Baldwin, III with permission
from Robert S. Reverski based on email)
Robert S. Reverski, Jr., (VSB No. 42383)
Midkiff, Muncie & Ross, P.C.
9030 Stony Point Parkway, Suite 160
Richmond, Virginia 23235
(804) 560-9600 – Telephone
(804) 560-5997 – Facsimile
rsreverski@midkiffllaw.com – email

Counsel for LeClair Ryan a Professional
Corporation

Seen and objected to reasons stated of record:

/s/ Charles J. McCall (VSB #17022)
(by W. R. Baldwin, III with permission
from Charles J. McCall based on email)
Charles J. McCall
PO Box 2131
Midlothian, VA 23113-2131
Pro se

Local Rule 9022-1(C) Certification

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

/s/ W. R. Baldwin, III
W. R. Baldwin, III (VSB #16988)
Marchant, Honey & Baldwin, LLP
5600 Grove Avenue
Richmond, VA 23226
Voice: (804) 285-3888
Fax: (804) 285-7779
billbaldwin@comcast.net

MARCHANT, HONEY & BALDWIN, LLP
5600 Grove Avenue
Richmond, Virginia 23226

Supplemental Fee Itemization

Client: **Telerent Leasing Corporation** Remit to: W. R. Baldwin, III, P.C.
Matter: **Ads. C. J. McCall - Bankruptcy Litigation** Federal Tax Id. # 20-4025034
Applicable Period: July 1, 2008 through November 13, 2008

Fee Details: **Total Due: \$1,025.00**

Date	Attorney	Description of Services	Hours	Rate	Fee
October 27, 2008	Baldwin	Attended stipulation meeting with counsel (0.4); prepared Telerent and LeClair Ryan witness and exhibit lists for trial (0.8)	1.2	\$250	\$300.00
October 28, 2008	Baldwin	finalized exhibits for trial	0.2	\$250	\$50.00
October 29, 2008	Baldwin	filed witness and exhibit lists; letter to clerk on same	0.4	\$250	\$100.00
November 13, 2008	Baldwin	trial preparation (0.4); attended trial (1.1); prepared proposed final order (0.8)	2.3	\$250	\$575.00

Total Hours: 4.1 \$1,025.00

Total Fee: \$1,025.00

Expense Details: no expense reimbursements claimed

Total
Expenses: \$0.00

Total Fee: \$1,025.00

Total Due: \$1,025.00

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

Under 28 U.S.C. § 1746, I declare and certify under penalty of perjury that the foregoing is a true and correct record of services rendered and expenses incurred in this case on behalf of Telerent Leasing Corporation for the period indicated.

Executed on November 13, 2008

/s/ W. R. Baldwin, III
W. R. Baldwin, III
VSB #16988

Addendum A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re: BICC LIMITED PARTNERSHIP)
Debtor) Case No.: 06-30101-DOT
Chapter 7)

CHARLES J. MCCALL,)
Plaintiff,)
v.) Adv. Pro. No.: 07-03090-DOT
TELERENT LEASING CORPORATION)
and)
LECLAIR RYAN, a Professional Corporation,)
Defendants.)

**SUPPLEMENT TO ATTORNEY FEES SUMMITTED BY
DEFENDANT LECLAIR RYAN, A PROFESSIONAL CORPORATION**

BILLING ATTORNEY : ROBERT S. REVERSKI, JR.
BILLING RATE : \$135 per hour

<u>DATE</u>	<u>TIME</u>	<u>AMOUNT</u>	<u>DETAIL</u>
10/27/2008	1.0	135.00	Attend mandatory pretrial conference of all counsel, with Attorney Baldwin and Attorney McCall.
11/13/2008	2.0	135.00	Prepare for and appear at hearing on Telerent and LeClair Ryan's respective motions for attorneys' fees and costs.

SUB-TOTAL OF
SUPPLEMENTAL
LEGAL FEES: \$ 405.00

SUB-TOTAL OF
LEGAL FEES AND
COSTS SUBMITTED
AS EXHIBIT AT
11/13/2008 TRIAL: \$ 8,693.13

TOTAL LEGAL FEES \$ 9,098.13

DECLARATION PURSUANT TO 28 USC § 1746

I, Robert S. Reverski, Jr., Esquire, hereby declare under penalty of perjury that the foregoing statement of legal services rendered in the above-styled matter reflects actual and legal fees and costs incurred by Defendant LeClair Ryan, A Professional Corporation.

/s/ Robert S. Reverski, Jr.
Robert S. Reverski, Jr. (VSB No. 42383)
Midkiff, Muncie & Ross, P.C.
9030 Stony Point Parkway
Suite 160
Richmond, Virginia 23235
(804) 560-9600 – Telephone
(804) 560-5997 – Facsimile
rreverski@midkiffllaw.com – E-mail
Counsel for Defendant LeClair Ryan,
A Professional Corporation